

ORDINANCE 85-15

To Amend Title 20 of the Bloomington Municipal Code Entitled "Zoning"
Re: Number of unrelated adults permitted in dwelling units in RS or RE zones

WHEREAS, the Plan Commission has considered the present definition of "Dwelling Unit" in Title 20 of the Municipal Code, and recommended that an amendment to the Code be adopted which would limit households in the RS or RE zones to three unrelated adults:

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA, THAT:

SECTION I. Chapter 20.04, Section 20.04.01.00 Definitions of "Dwelling unit (DU)" in the Bloomington Municipal Code shall be repealed and reenacted to read as follows:

"Dwelling unit, single family zones" means one or more rooms in the RS or RE zones with cooking, living, sanitary, and sleeping facilities, occupied by not more than one primary family or a single household of no more than three adults (i.e., persons sixteen years of age or older) and any dependent children of the household. The dwelling unit shall be characterized by but not limited to:

1. A single house number with a single mailbox for the receipt of materials sent through the United States mail;
2. A single kitchen adequate for the preparation of meals;
3. A tenancy based upon a legal relationship of a unitary nature, i.e., a single lease, mortgage or contractual sales agreement for the entire premises.

SECTION II. Chapter 20.04, Section 20.04.01.00 Definitions of the Bloomington Municipal Code shall be amended to add the following definitions:

(a) "Dwelling unit, multi-family zones" means one or more rooms in the RL, RM, RH zones with cooking, living, sanitary, and sleeping facilities, occupied by not more than one primary family or a single household of no more than five adults (i.e., persons sixteen years of age or older) and any dependent children of the household. The dwelling unit shall be characterized by but not limited to:

1. A single house number with a single mailbox for the receipt of materials sent through the United States mail;
2. A single kitchen adequate for the preparation of meals;
3. A tenancy based upon a legal relationship of a unitary nature, i.e., a single lease, mortgage or contractual sales agreement for the entire premises.

(b) "Primary family" or "Family" means one or more persons related by blood, adoption or marriage, living and cooking together as a single housekeeping unit, exclusive of household servants.

SECTION III. Chapter 20.06, Section 20.06.02.00 Continuance of the Bloomington Municipal Code shall be amended to provide as follows:

(a) A nonconforming use existing lawfully at the time of enactment of the ordinance codified in this title may be continued except as restricted in this chapter.

(b) For the purpose of this title, a nonconforming use involving a dwelling unit intended for use by four or five adults in a RE or RS zone exists from the time a building permit is acquired from the City of Bloomington's Engineering Department for such dwelling unit, provided that the property owner's intention to accommodate four or five adults is stated in writing on or before October 1, 1985, provided further that the building permit was issued on or before the date of approval of the amended ordinance by the Plan Commission and promulgation as required by law. Nonconforming uses under this subsection must be registered in accordance with Bloomington Municipal Code 20.06.02.04 (b).

SECTION IV. Chapter 20.06, Section 20.06.02.04 Cessation shall be amended to provide as follows: (a) If, for a continuous period of six months, a nonconforming use has ceased or the furnishings of a nonconforming use are removed and not replaced, the building or land shall thereafter be used only for a conforming use, except as provided below:

(b) If, in nonconforming uses involving the number of adults in dwelling units in RE or RS zones, as provided for by Bloomington Municipal Code 20.04.01.00, the owners of such dwelling units register such nonconforming uses with the City Engineer on or before October 1, 1985, then such nonconforming uses shall be permanent and not subject to cessation as stated in subsection (a), even if such nonconforming use ceases for a continuous period of six months. The use to be vested pursuant to this provision shall be the use in effect as of the date of approval of the amended ordinance by the Plan Commission and promulgation as required by law, or the predominant use of the property for the preceding five years, whichever is greater.

SECTION V. Severability. If any section, sentence, or provision of this ordinance or the application thereof to any person or circumstance shall be declared invalid, such invalidity shall not affect any of the other parts of this ordinance which can be given effect without the invalid part, and to this end the provisions of this ordinance are declared to be severable.

SECTION VI. This Ordinance shall be in full force and effect from and after its passage by the Common Council and approval by the Mayor. **

PASSED and ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 1 day of May, 1985.

Patricia A. Gross
PATRICIA GROSS, President
Bloomington Common Council

ATTEST:

Susan Fernandes
Susan Fernandes, Dep. City Clerk

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 2 day of May, 1985.

Susan Fernandes
Susan Fernandes, Dep. City Clerk

SIGNED and APPROVED by me upon this 2 day of May, 1985.

Tomilea Allison
TOMILEA ALLISON, Mayor
City of Bloomington

SYNOPSIS

The effect of this amendment to the Zoning Code is to limit households to three unrelated adults in the single family zones. Any house legally occupied by more than three unrelated adults would be grandfathered as already provided by the Code, with the "Continuance" and "Cessation" sections being amended further to allow this use to continue after a 6 months lapse. The occupancy of dwelling units, single or multi-family, in the various multi-family zones, would continue to be regulated by the present limit of five unrelated adults.

**Footnote: This Ordinance was approved by the Plan Commission on May 20, 1985, and published in the Herald-Telephone on June 1 and June 8, 1985, as required by law.

6/4/85 Signed copies to:
1. Legal
2. Planning
3. Engineering
4. Mayor